

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-557-FDW-DCK**

SAMUEL H. CERDAS,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
THE PANTRY, INC.,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the “Joint Motion For Judicial Settlement Conference” (Document No. 13) filed June 8, 2016. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, filed **less than two (2) weeks** before the deadline to file a report on the results of a mediated settlement conference, the parties request that the Court convene a judicial settlement conference because it “would be more efficient and economical for the parties.” (Document No. 13). The parties acknowledge that Chief Judge Frank Whitney issued a “Case Management Order” (Document No. 9) **on December 16, 2015**, requiring the parties to complete a mediated settlement conference and file a report on the results by **June 20, 2016**. (Document No. 9, p.5).

The undersigned observes that the parties filed a “Certification And Report Of F.R.C.P. 26(f) Conference And Proposed Discovery Plan” (Document No. 8) on December 9, 2015, indicating that their chosen form of alternative dispute resolution (“ADR”) was a mediated

settlement conference, to be held after the completion of discovery. (Document No. 8, p.3). The undersigned further observes that discovery in this case was to be completed on or before June 6, 2016, and that dispositive motions are due by July 5, 2016. (Document No. 8, Document No. 13).

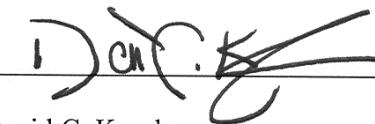
In short, the undersigned finds the pending motion to be untimely. Moreover, the parties offer no explanation for their delay in filing this request, and provide an insufficient showing of good cause for conducting a judicial settlement conference.

The undersigned is honored to assist the Court by conducting judicial settlement conferences from time to time. However, those conferences are usually held in cases that present exceptional circumstances, and they are scheduled far in advance of the ADR deadline. The parties misunderstand the scheduling procedures of the Court, as well as the preparation typically required for a judicial settlement conference, if they expect a judicial settlement conference to be scheduled, settlement briefs submitted and reviewed, a conference conducted, and report prepared by June 20, 2016, or even the proposed revised deadline of June 29, 2016.

IT IS, THEREFORE, ORDERED that the “Joint Motion For Judicial Settlement Conference” (Document No. 13) is **DENIED**.

SO ORDERED.

Signed: June 9, 2016



David C. Keesler
United States Magistrate Judge
